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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,642	06/20/2001	Darrell W. Kelsoe		4543

38642 7590 10/18/2005

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EXAMINER

CAMERON, ERMA C


ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b><i>Notice of Non-Compliant Amendment (37 CFR 1.121)</i></b>	Application No.	Applicant(s)	
	09/885,642	KELSOE, DARRELL W.	
	Examiner	Art Unit	
	Erma Cameron	1762	

  
ERMA CAMERON  
PRIMARY EXAMINER

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 19 August 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: Note: claims 132-155 in the 8/19/2005 amendment have been given the status identifier "new" and claim 156 has been given the status identifier "previously presented". Claims 132-156 were introduced in the 9/28/2004 amendment submitted with the RCE, and therefore cannot be "new" in the 8/19/2005 amendment. Claims 132-155 are either "previously presented" if there are no amendments from the 9/28/2004 version, or are "currently amended" if they have been amended from the 9/28/2004 version. If the claims have been amended from the 9/28/2004 version, the added text must be shown by underlining, and deleted text must be shown by strikethrough or double brackets. (The examiner has observed that some, but not all, of the claims have been amended from the 9/28/2004 version; all amended claims must be treated as described above, and have the status identifier of "currently amended"). There is an additional problem in that the original 5/27/2005 amendment showed claims 141 and 149-151 as "canceled", but in the 8/19/2005 version, they are shown as "new". Once a claim has been canceled, it cannot be "uncanceled" If the applicant intends to cancel claims 141 and 149-151, they should receive the status identifier of "canceled", and NOT contain text.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Erma Cameron*  
ERMA CAMERON  
PRIMARY EXAMINER